

House Bill 1

By: Representatives Franklin of the 43rd, Everson of the 106th, Scott of the 2nd, Loudermilk of the 14th, England of the 108th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against public health and morals, so as to make certain findings of fact; to define certain terms; to provide that any abortion shall be unlawful; to provide a penalty; to provide for severance; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against public health and morals, is amended by revising Article 5, relating to abortion, in its entirety as follows:

"ARTICLE 5

16-12-140.

(a) The State of Georgia has the duty to protect all innocent life from the moment of conception until natural death. We know that life begins at conception. After three decades of legal human abortion, it is now abundantly clear that the practice has negatively impacted the people of this state in many ways, including economic, health, physical, psychological, emotional, and medical well-being. These, too, are areas of legitimate concern and duty of the state. The General Assembly therefore makes the following findings of fact:

(1) Justice Blackmun, writing for the majority in *Roe v. Wade*, 410 U.S. 113 (1973), wrote: 'when those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer [to the question of when life begins].' Now, 30 years later, the General Assembly knows the answer to that difficult question, and that answer is life begins at the moment of conception;

1 (2) A fetus is a person for all purposes under the laws of this state from the moment of
2 conception;

3 (3) Even if the answer to the question of when life begins were unclear, the Georgia
4 Constitution, at Article I, Section I, Paragraph II, provides: 'Protection to person and
5 property is the paramount duty of government and shall be impartial and complete. No
6 person shall be denied the equal protection of the laws.' Because a fetus is a person,
7 constitutional protection attaches at the moment of conception. It is therefore the duty of
8 the General Assembly to protect the innocent life that is currently being taken;

9 (4) As a direct result of three decades of legalized abortion on demand, the nation has seen
10 a dramatic rise in the incidence of child abuse and a dramatic weakening of family ties, with
11 the infamous *Roe v. Wade* decision pitting mothers against their children and women
12 against men;

13 (5) Studies of the three decades since *Roe v. Wade* have revealed that women have been
14 deeply wounded psychologically, with one researcher reporting that 81 percent of the
15 women who have had an abortion had a preoccupation with an aborted child, 54 percent had
16 nightmares, 35 percent had perceived visitation with an aborted child, and 96 percent felt
17 their abortion had taken a human life;

18 (6) Studies have shown that women who have had an abortion require psychological
19 treatment of such symptoms as nervous disorders, sleep disturbances, and deep regrets,
20 with 25 percent of one test group of women who have had abortions visiting a psychiatrist
21 while only 3 percent of a control group did so;

22 (7) Another random study showed that at least 19 percent of women who have had an
23 abortion suffered from diagnosed post-traumatic stress disorder, with 50 percent suffering
24 from many, but not all, symptoms of that disorder, and 20 to 40 percent of the women
25 studied showed moderate to high levels of stress and avoidance behavior relative to their
26 abortion experience;

27 (8) Approximately 60 percent of women who have had an abortion and who reported
28 post-abortion trauma also reported suicidal tendencies with 28 percent actually attempting
29 suicide, of whom half attempted suicide two or more times;

30 (9) Abortion results in increased tobacco smoking, and women who have had an abortion
31 are twice as likely to become heavy smokers and suffer the corresponding health problems
32 as women who have never had an abortion;

33 (10) Abortion is linked to alcohol and drug abuse, with a two-fold increase in the risk of
34 alcohol abuse among women who have had an abortion and a significant increase in drug
35 abuse;

36 (11) Most couples find abortion to be an event which shatters their relationship, causing
37 chronic marital troubles and divorce;

(12) Abortion exploits women, treating them and their children as mere property, and abortion is contrary to feminist values, and the great suffragette Susan B. Anthony referred to abortion as 'child murder';

(13) Thirty years of abortion on demand have resulted in an increase in breast cancer, and a study has shown that women who had an abortion in the first trimester of pregnancy before experiencing a full-term pregnancy may be at increased risk for breast cancer;

(14) The practice of abortion has had a profound detrimental effect on the health and well-being of the citizens of this state as well as the health of the economy; and

(15) The practice of abortion has caused the citizens of this state an inestimable amount economically including, but not limited to, the costs and tax burden of having to care for individuals and their families for the conditions cited above, as well as a significant reduction of the tax base and of the availability of workers, entrepreneurs, teachers, employees, and employers that would have significantly contributed to the prosperity of this state.

(b) As used in this Code section, the term:

(1) 'Abortion' means the intentional termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus; provided, however, that if a physician makes a medically justified effort to save the lives of both the mother and the fetus and the fetus does not survive, such action shall not be an abortion. Such term does not include a naturally occurring expulsion of a fetus known medically as a 'spontaneous abortion' and popularly as a 'miscarriage' so long as there is no human involvement whatsoever in the causation of such event.

(2) 'Fetus' means a person at any point of development from and including the moment of conception through the moment of birth. Such term includes all medical or popular designations of an unborn child from the moment of conception such as zygote, embryo, homunculus, and similar terms.

(c) The practice of abortion is contrary to the health and well-being of the citizens of this state and to the state itself and is illegal in this state in all instances.

(d) Any person performing an abortion in this state shall be guilty of a felony and, upon conviction, shall be punished as provided in subsection (d) of Code Section 16-5-1. The license of any physician indicted for an alleged violation of this Code section shall be suspended until resolution of the matter. The license of any physician convicted of a violation of this Code section shall be permanently revoked. The provisions of this Code section shall be in addition to any other provisions relating to the killing of a fetus or any other person."

SECTION 2.

1 If any portion of this Act is found to be unconstitutional by the courts, the remaining portions
2 of this Act shall remain in full force and effect.

3 **SECTION 3.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law
5 without such approval.

6 **SECTION 4.**

7 All laws and parts of laws in conflict with this Act are repealed.